

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 7,485,373 :  
 :  
Issued: February 3, 2009 :  
 :  
Inventor(s): Krzysik et al. :  
 :  
Assignee: Kimberly-Clark Worldwide, Inc. :  
 :  
Title: LOTIONED TISSUE PRODUCT WITH :  
IMPROVED STABILITY :  
 :

Attention Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF  
PATENT UNDER 37 C.F.R. 1.322(a)

Sir:

Attached is Form PTO/SB/44 suitable for printing.

Submitted herewith is a copy of the Notice of Allowance and Fee(s) Due and the Notice of Allowability dated October 1, 2008 and a copy of the Amendment filed June 19, 2007. Applicants respectfully submit that the corrections shown below are in accordance with the Amendment filed June 19, 2007. The corrections thereof do not involve such changes in the patent as would constitute new matter or would require re-examination. Applicants respectfully request a Certificate of Correction for the following:

In the Abstract, delete "1,000,000 cps" and insert therefor -- 1,000,000 cPs --.

In the Specification, column 2, line 56, delete "1,000,000 cps" and insert therefor -- 1,000,000 cPs --.

In Claim 1, column 14, line 26, delete "forulation) of a rheology" insert therefor -- formulation) of a rheology --.

The correction is not due to any error by Applicants and no fee is due.  
The Assignment for this patent is recorded on Reel 014938/Frame 0554.

Respectfully submitted,

Date: April 22, 2009

/Christopher M. Goff/  
Christopher M. Goff  
Reg. No. 41,785  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 7,485,373  
APPLICATION NO. : 10/659,968  
ISSUE DATE : February 3, 2009  
INVENTOR(S) : Krzysik et al.

PAGE 1 OF 1

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Abstract, delete "1,000,000 cps" and insert therefor -- 1,000,000 cPs --.

In the Specification, column 2, line 56, delete "1,000,000 cps" and insert therefor -- 1,000,000 cPs --.

In Claim 1, column 14, line 26, delete "forulation) of a rheology" insert therefor -- formulation) of a rheology --.

MAILING ADDRESS OF SENDER:  
Christopher M. Goff  
Armstrong Teasdale LLP  
One Metropolitan Sq., Suite 2600  
St. Louis, MO 63102



## UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

321 7590 10/01/2008

SENNIGER POWERS LLP  
100 NORTH BROADWAY  
17TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

KILIMAN, LESZEK B

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 10/01/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/659,968

09/11/2003

Duane G. Krzysik

KCC 4953 (K-C 18, 752)

5032

TITLE OF INVENTION: LOTIONED TISSUE PRODUCT WITH IMPROVED STABILITY

27839-1167

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1440        | \$300               | \$0                  | \$1740           | 01/02/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

ENTERED

Date: 10/10/08

By: MCC

27839-1167

# Notice of Allowability

Application No.

10/659,968

Examiner

leszek b. kiliman

Applicant(s)

KRZYSIK ET AL.

Art Unit

1794

**COPY**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments and remarks filed 6-19-07.
2. ☒ The allowed claim(s) is/are 1-21, 23-47, 49-63, 65, 67 and 69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

/leszek b kiliman/  
Primary Examiner, Art Unit 1794

**LESZEK KILIMAN, PhD**  
**PRIMARY EXAMINER**

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 5-11-06, 3-13-06, 9-2-05, 3-8-05, 1-31-05, 9-20-04, 7-12-04, 10-30-03.



### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The instant invention claims a tissue product comprising a substrate and lubricating formulation. The closest prior art reference that relates to the claimed invention is Gatto'054. The closest prior art and prior art of record teaches that it is known in the art to use lubricating formulation in tissue product. However, the prior art does not teach or fairly suggest the instant invention having the claimed composition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to leszek b. kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

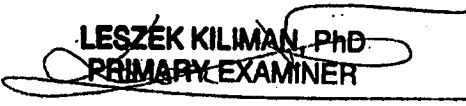
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/659,968

Art Unit: 1773

**COPY**  
Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**LESZEK KILIMAN, PhD**  
**PRIMARY EXAMINER**

lk



**Electronic Acknowledgement Receipt****COPY**

|   |   |
|---|---|
| <b>EFS ID:</b>                              | 1887903   |
| <b>Application Number:</b>                  | 10659968  |
| <b>International Application Number:</b>    |   |
| <b>Confirmation Number:</b>                 | 5032  |
| <b>Title of Invention:</b>                  | LOTIONED TISSUE PRODUCT WITH IMPROVED STABILITY |
| <b>First Named Inventor/Applicant Name:</b> | Duane G. Krzysik                                |
| <b>Customer Number:</b>                     | 321   |
| <b>Filer:</b>                               | Jeannie M. Boettler/Daphne Moore                |
| <b>Filer Authorized By:</b>                 | Jeannie M. Boettler                             |
| <b>Attorney Docket Number:</b>              | KCC 4953 (K-C 18, 752)                          |
| <b>Receipt Date:</b>                        | 19-JUN-2007                                     |
| <b>Filing Date:</b>                         | 11-SEP-2003                                     |
| <b>Time Stamp:</b>                          | 17:57:29  |
| <b>Application Type:</b>                    | Utility   |

**Payment information:**

|   |        |
|---|--------|
| Submitted with Payment  | yes    |
| Payment was successfully received in RAM  | \$ 790 |
| RAM confirmation Number   | 2699   |
| Deposit Account   | 191345 |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17 |        |

**File Listing:**

| Document Number   | Document Description                               | File Name    | File Size (bytes) | Pages (if appl.) |
|---|--|--------------|-------------------|------------------|
| 1   | Request for Continued Examination (RCE)            | 00465035.PDF | 644822            | 3                |
| <b>Warnings:</b>  |  |              |                   |                  |
| <b>Information:</b>   |  |              |                   |                  |
| 2   | Amendment Submitted/Entered with Filing of CPA/RCE | 00464959.PDF | 93629             | 18               |
| <b>Warnings:</b>  |  |              |                   |                  |
| <b>Information:</b>   |  |              |                   |                  |
| 3   | Fee Worksheet (PTO-06)                             | fee-info.pdf | 8195              | 2                |
| <b>Warnings:</b>  |  |              |                   |                  |
| <b>Information:</b>   |  |              |                   |                  |
| <b>Total Files Size (in bytes):</b>   |  |              | 746646            |                  |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/>         If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/>         If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/>         If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |  |              |                   |                  |

COPY

## Electronic Patent Application Fee Transmittal

|   |   |                 |               |                             |
|---|---|-----------------|---------------|-----------------------------|
| <b>Application Number:</b>                  | 10659968  |                 |               |                             |
| <b>Filing Date:</b>                         | 11-Sep-2003                                     |                 |               |                             |
| <b>Title of Invention:</b>                  | LOTIONED TISSUE PRODUCT WITH IMPROVED STABILITY |                 |               |                             |
| <b>First Named Inventor/Applicant Name:</b> | Duane G. Krzysik                                |                 |               |                             |
| <b>Filer:</b>                               | Jeannie M. Boettler/Daphne Moore                |                 |               |                             |
| <b>Attorney Docket Number:</b>              | KCC 4953 (K-C 18, 752)                          |                 |               |                             |
| Filed as Large Entity                       |   |                 |               |                             |
| <b>Utility      Filing Fees</b>             |   |                 |               |                             |
| <b>Description</b>                          | <b>Fee Code</b>                                 | <b>Quantity</b> | <b>Amount</b> | <b>Sub-Total in USD(\$)</b> |
| <b>Basic Filing:</b>                        |   |                 |               |                             |
| <b>Pages:</b>                               |   |                 |               |                             |
| <b>Claims:</b>                              |   |                 |               |                             |
| <b>Miscellaneous-Filing:</b>                |   |                 |               |                             |
| <b>Petition:</b>                            |   |                 |               |                             |
| <b>Patent-Appeals-and-Interference:</b>     |   |                 |               |                             |
| <b>Post-Allowance-and-Post-Issuance:</b>    |   |                 |               |                             |
| <b>Extension-of-Time:</b>                   |   |                 |               |                             |

**COPY**  
Amount Sub-total in  
USD (\$)

| Description                       | Fee Code | Quantity | Amount | Sub-total in<br>USD (\$) |
|-----------------------------------|----------|----------|--------|--------------------------|
| <b>Miscellaneous:</b>             |          |          |        |                          |
| Request for continued examination | 1801     | 1        | 790    | 790                      |
| <b>Total in USD (\$)</b>          |          |          |        | <b>790</b>               |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

|                      |               |             |            |                               |                       |          |      |
|----------------------|---------------|-------------|------------|-------------------------------|-----------------------|----------|------|
| Application Number   | 10659968      | Filing Date | 2003-09-11 | Docket Number (if applicable) | KCC 4953 (K-C 18,752) | Art Unit | 1773 |
| First Named Inventor | Duane Krzysik |             |            | Examiner Name                 | Leszek Kiliman        |          |      |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at [WWW.USPTO.GOV](http://WWW.USPTO.GOV)

### SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other \_\_\_\_\_

### MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

### FEES

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 191345

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

**COPY**

PTO SB 302FS (08/08)

Approved for use through 03/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Signature of Registered U.S. Patent Practitioner**

|                  |                       |                            |            |
|------------------|-----------------------|----------------------------|------------|
| <b>Signature</b> | /Christopher M. Goff/ | <b>Date (YYYY-MM-DD)</b>   | 2007-06-19 |
| <b>Name</b>      | Christopher M. Goff   | <b>Registration Number</b> | 41785      |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

COPY

KCC 4953  
(K-C 18,752)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Duane Krzysik, et al.                      Art Unit 1773  
Serial No. 10/659,968  
Filed September 11, 2003  
Confirmation No. 5032  
For LOTIONED TISSUE PRODUCT WITH IMPROVED STABILITY  
Examiner Leszek Kiliman

June 19, 2007

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,  
SIR:

**AMENDMENT E AND RESPONSE AFTER RCE**

In response to the Notice of Allowance dated March 19, 2007, please consider the following remarks and amendments.

**Amendments to the Claims** are in the Listing of Claims beginning on page 2 of this paper.

**Remarks** begin on page 18 of this paper.



KCC 4953  
(K-C 18,752)  
PATENT

AMENDMENTS TO THE CLAIMS

**Listing of Claims:**

1. (currently amended) A tissue product comprising a fibrous substrate material and a lubricating formulation, the lubricating formulation being present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 30% (by weight of the dry tissue) and comprising from about 10% (by total weight of the formulation) to about 89% (by total weight of the formulation) of an emollient, from about 10% (by total weight of the formulation) to about 50% (by total weight of the formulation) of a structurant, and from about 0.1% (by total weight of the formulation) to about 40% (by total weight of the formulation) of a rheology enhancer, wherein the rheology enhancer is selected from the group consisting of ethylene/propylene/styrene copolymers alone or in combination with mineral oil or petrolatum; butylene/ethylene/styrene copolymers alone or in combination with mineral oil or petrolatum; ~~ethylene/vinyl acetate copolymers alone or in combination with polyethylene,~~ mineral oil and styrene; and combinations thereof.

2. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation is present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 20% (by weight of the dry tissue).

KCC 4953  
(K-C 18,752)  
PATENT

3. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation is present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 10% (by weight of the dry tissue).

4. (original) The tissue product as set forth in claim 1 wherein the emollient is present in an amount of from about 30% (by total weight of the formulation) to about 80% (by total weight of the formulation).

5. (original) The tissue product as set forth in claim 1 wherein the emollient is present in an amount of from about 60% (by total weight of the formulation) to about 80% (by total weight of the formulation).

6. (original) The tissue product as set forth in claim 1 wherein the structurant is present in an amount of from about 20% (by total weight of the formulation) to about 40% (by total weight of the formulation).

7. (original) The tissue product as set forth in claim 1 wherein the rheology enhancer is present in an amount of from about 0.5% (by total weight of the formulation) to about 30% (by total weight of the formulation).

8. (original) The tissue product as set forth in claim 1 wherein the rheology enhancer is present in an amount of from

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about 1% (by total weight of the formulation) to about 25% (by total weight of the formulation).

9. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a melt point viscosity of from about 5000 cPs to about 1,000,000 cPs.

10. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a melt point viscosity of from about 50,000 cPs to about 800,000 cPs.

11. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a melt point viscosity of from about 100,000 cPs to about 500,000 cPs.

12. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a process temperature viscosity of from about 50 cPs to about 50,000 cPs.

13. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a process temperature viscosity of from about 75 cPs to about 10,000 cPs.

14. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a process temperature viscosity of from about 80 cPs to about 5,000 cPs.

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15. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a penetration hardness of from about 40 to about 140.

16. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation has a penetration hardness of from about 60 to about 120.

17. (original) The tissue product as set forth in claim 1 further comprising a hydrophilic surfactant.

18. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation further comprises an additional ingredient selected from the group consisting of antifoaming agents, antimicrobial actives, antiviral actives, antifungal actives, antiseptic actives, antioxidants, humectants, cosmetic astringents, drug astringents, biological additives, colorants, deodorants, film formers, fragrances, lubricants, natural moisturizing agents, skin conditioning agents, skin exfoliating agents, skin protectants, solvents, hydrophilic surfactants, and UV absorbers.

19. (original) The tissue product as set forth in claim 1 wherein emollient is selected from the group consisting of petrolatum, mineral oil, mineral jelly, isoparaffins, vegetable oils, avocado oil, borage oil, canola oil, castor oil, chamomile, coconut oil, corn oil, cottonseed oil, evening primrose oil, safflower oil, sunflower oil, soybean oil, sweet

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almond, and the like, lanolin, partially hydrogenated vegetable oils, polydimethylsiloxanes, methicone, cyclomethicone, dimethicone, dimethiconol, trimethicone, organo-siloxanes, silicone elastomer, gums, resins, fatty acid esters (esters of  $C_6$ - $C_{28}$  fatty acids and  $C_6$ - $C_{28}$  fatty alcohols), glyceryl esters and derivatives, fatty acid ester ethoxylates, alkyl ethoxylates,  $C_{12}$ - $C_{28}$  fatty alcohols,  $C_{12}$ - $C_{28}$  fatty acids,  $C_{12}$ - $C_{28}$  fatty alcohol ethers, Guerbet alcohols, Guerbet Acids, Guerbet Esters, and combinations thereof.

20. (original) The tissue product as set forth in claim 1 wherein the structurant has a melting point of from about 45°C to about 85°C.

21. (original) The tissue product as set forth in claim 1 wherein the structurant is selected from the group consisting of animal waxes, vegetable waxes, mineral waxes, synthetic waxes, polymers, bayberry wax, beeswax, stearyl dimethicone, stearyl trimethicone,  $C_{20}$ - $C_{22}$  dimethicone,  $C_{20}$ - $C_{22}$  trimethicone,  $C_{24}$ - $C_{28}$  dimethicone,  $C_{20}$ - $C_{22}$  trimethicone,  $C_{30}$  alkyl dimethicone, candelilla wax, carnauba, ceresin, cetyl esters, stearyl benzoate, behenyl benzoate, esparto, hydrogenated cottonseed oil, hydrogenated jojoba oil, hydrogenated jojoba wax, hydrogenated microcrystalline wax, hydrogenated rice bran wax, japan wax, jojoba buffer, jojoba esters, jojoba wax, lanolin wax, microcrystalline wax, mink wax, motan acid wax, motan wax, ouricury wax, ozokerite parrafin, PEG-6 beeswax, PEG-8 beeswax, rezowax, rice bran wax, shellac wax, spent grain wax, spermaceti

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wax, synthetic spermaceti wax, synthetic beeswax, synthetic candelilla wax, synthetic carnuba wax, synthetic japan wax, synthetic jojoba wax,  $C_{14}$ - $C_{28}$  fatty acid ethoxylates and  $C_{14}$ - $C_{28}$  fatty ethers,  $C_{14}$ - $C_{28}$  fatty alcohols,  $C_{14}$ - $C_{28}$  fatty acids, polyethylene, oxidized polyethylene, ethylene-alpha olefin copolymers, ethylene homopolymers,  $C_{18}$ - $C_{45}$  olefins, poly alpha olefins, hydrogenated vegetable oils, polyhydroxy fatty acid esters, polyhydroxy fatty acid amides, ethoxylated fatty alcohols and esters of  $C_{12}$ - $C_{28}$  fatty acids, and  $C_{12}$ - $C_{28}$  fatty alcohols, and combinations thereof.

22. (cancelled)

23. (original) The tissue product as set forth in claim 1 wherein the lubricating formulation is introduced onto the tissue by a method selected from the group consisting of spraying, slot coating, gravure coating, flexigraphic coating, ink jet printing, melt blown coating, and combinations thereof.

24. (original) The tissue product as set forth in claim 1 wherein the tissue product is a facial tissue.

25. (original) The tissue product as set forth in claim 1 wherein the tissue product is a bath tissue.

26. (original) The tissue product as set forth in claim 1 wherein the tissue product is a paper towel.

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27. (original) The tissue product as set forth in claim 1 wherein the tissue product is a napkin.

28. (original) The tissue product as set forth in claim 1 wherein the tissue product is a single-ply tissue product.

29. (original) The tissue product as set forth in claim 1 wherein the tissue product is a multi-ply tissue product.

30. (currently amended) A tissue product comprising a fibrous substrate material and a lubricating formulation, the lubricating formulation being present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 30% (by weight of the dry tissue) and comprising from about 10% (by total weight of the formulation) to about 89% (by total weight of the formulation) of an emollient, from about 10% (by total weight of the formulation) to about 50% (by total weight of the formulation) of a structurant, and from about 0.1% (by total weight of the formulation) to about 40% (by total weight of the formulation) of a rheology enhancer, wherein the lubricating formulation has a melt point viscosity of from about 5000 cPs to about 1,000,000 cPs and a process temperature viscosity of from about 50 cPs to about 50,000 cPs, wherein the rheology enhancer is selected from the group consisting of ethylene/propylene/styrene copolymers alone or in combination with mineral oil or petrolatum; butylene/ethylene/styrene copolymers alone or in combination with mineral oil or petrolatum; ~~ethylene/vinyl acetate copolymers alone or in~~

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~~combination with polyethylene,~~ mineral oil and styrene; and combinations thereof.

31. (original) The tissue product as set forth in claim 30 where in the lubricating formulation is present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 20% (by weight of the dry tissue).

32. (original) The tissue product as set forth in claim 30 wherein the lubricating formulation is present on the tissue product in an amount of from about 1% (by weight of the dry tissue) to about 10% (by weight of the dry tissue).

33. (original) The tissue product as set forth in claim 30 wherein the emollient is present in an amount of from about 30% (by total weight of the formulation) to about 80% (by total weight of the formulation).

34. (original) The tissue product as set forth in claim 30 wherein the emollient is present in an amount of from about 60% (by total weight of the formulation) to about 80% (by total weight of the formulation).

35. (original) The tissue product as set forth in claim 30 wherein the structurant is present in an amount of from about 20% (by total weight of the formulation) to about 40% (by total weight of the formulation).



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36. (original) The tissue product as set forth in claim 30 wherein the rheology enhancer is present in an amount of from about 0.5% (by total weight of the formulation) to about 30% (by total weight of the formulation).

37. (original) The tissue product as set forth in claim 30 wherein the rheology enhancer is present in an amount of from about 1% (by total weight of the formulation) to about 25% (by total weight of the formulation).

38. (original) The tissue product as set forth in claim 30 wherein the melt point viscosity is from about 50,000 cPs to about 800,000 cPs.

39. (original) The tissue product as set forth in claim 30 wherein the melt point viscosity is from about 100,000 cPs to about 500,000 cPs.

40. (original) The tissue product as set forth in claim 30 wherein the process temperature viscosity is from about 75 cPs to about 10,000 cPs.

41. (original) The tissue product as set forth in claim 30 wherein the process temperature viscosity is from about 80 cPs to about 5,000 cPs.

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42. (original) The tissue product as set forth in claim 30 wherein the lubricating formulation has a penetration hardness of from about 40 to about 140.

43. (original) The tissue product as set forth in claim 30 wherein the lubricating formulation has a penetration hardness of from about 60 to about 120.

44. (original) The tissue product as set forth in claim 30 further comprising a hydrophilic surfactant.

45. (original) The tissue product as set forth in claim 30 wherein emollient is selected from the group consisting of petrolatum, mineral oil, mineral jelly, isoparaffins, vegetable oils, avocado oil, borage oil, canola oil, castor oil, chamomile, coconut oil, corn oil, cottonseed oil, evening primrose oil, safflower oil, sunflower oil, soybean oil, sweet almond, and the like, lanolin, partially hydrogenated vegetable oils, polydimethylsiloxanes, methicone, cyclomethicone, dimethicone, dimethiconol, trimethicone, organo-siloxanes, silicone elastomer, gums, resins, fatty acid esters (esters of  $C_6$ - $C_{28}$  fatty acids and  $C_6$ - $C_{28}$  fatty alcohols), glyceryl esters and derivatives, fatty acid ester ethoxylates, alkyl ethoxylates,  $C_{12}$ - $C_{28}$  fatty alcohols,  $C_{12}$ - $C_{28}$  fatty acids,  $C_{12}$ - $C_{28}$  fatty alcohol ethers, Guerbet alcohols, Guerbet Acids, Guerbet Esters, and combinations thereof.

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46. (original) The tissue product as set forth in claim 30 wherein the structurant has a melting point of from about 45°C to about 85°C.

47. (original) The tissue product as set forth in claim 30 wherein the structurant is selected from the group consisting of animal waxes, vegetable waxes, mineral waxes, synthetic waxes, polymers, bayberry wax, beeswax, stearyl dimethicone, stearyl trimethicone,  $C_{20}$ - $C_{22}$  dimethicone,  $C_{20}$ - $C_{22}$  trimethicone,  $C_{24}$ - $C_{28}$  dimethicone,  $C_{20}$ - $C_{22}$  trimethicone,  $C_{30}$  alkyl dimethicone, candelilla wax, carnauba, ceresin, cetyl esters, stearyl benzoate, behenyl benzoate, esparto, hydrogenated cottonseed oil, hydrogenated jojoba oil, hydrogenated jojoba wax, hydrogenated microcrystalline wax, hydrogenated rice bran wax, japan wax, jojoba buffer, jojoba esters, jojoba wax, lanolin wax, microcrystalline wax, mink wax, motan acide wax, motan wax, ouricury wax, ozokerite parrafin, PEG-6 beeswax, PEG-8 beeswax, rezowax, rice bran wax, shellac wax, spent grain wax, spermaceti wax, synthetic spermaceti wax, synthetic beeswax, synthetic candelilla wax, synthetic carnuba wax, synthetic japan wax, synthetic jojoba wax,  $C_{14}$ - $C_{28}$  fatty acid ethoxylates and  $C_{14}$ - $C_{28}$  fatty ethers,  $C_{14}$ - $C_{28}$  fatty alcohols,  $C_{14}$ - $C_{28}$  fatty acids, polyethylene, oxidized polyethylene, ethylene-alpha olefin copolymers, ethylene homopolymers,  $C_{18}$ - $C_{45}$  olefins, poly alpha olefins, hydrogenated vegetable oils, polyhydroxy fatty acid esters, polyhydroxy fatty acid amides, ethoxylated fatty

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alcohols and esters of  $C_{12}$ - $C_{28}$  fatty acids, and  $C_{12}$ - $C_{28}$  fatty alcohols, and combinations thereof.

48. (cancelled)

49. (original) The tissue product as set forth in claim 30 wherein the lubricating formulation further comprises an additional ingredient selected from the group consisting of antifoaming agents, antiviral actives, antimicrobial actives, antifungal actives, antiseptic actives, antioxidants, cosmetic astringents, drug astringents, biological additives, colorants, deodorants, film formers, fragrances, lubricants, natural moisturizing agents, skin conditioning agents, skin exfoliating agents, skin protectants, solvents, hydrophilic surfactants, and UV absorbers.

50. (original) The tissue product as set forth in claim 30 wherein the lubricating formulation is introduced onto the tissue by a method selected from the group consisting of spraying, slot coating, gravure coating, ink jet printing, flexographic coating, melt blown coating, and combinations thereof.

51. (original) The tissue product as set forth in claim 30 wherein the tissue product is a facial tissue.

52. (original) The tissue product as set forth in claim 30 wherein the tissue product is a bath tissue.

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53. (original) The tissue product as set forth in claim 30 wherein the tissue product is a paper towel.

54. (original) The tissue product as set forth in claim 30 wherein the tissue product is a napkin.

55. (original) The tissue product as set forth in claim 30 wherein the tissue product is a single-ply tissue product.

56. (original) The tissue product as set forth in claim 30 wherein the tissue product is a multi-ply tissue product.

57. (currently amended) A method of manufacturing a facial tissue comprising introducing a lubricating formulation onto a tissue substrate, the lubricating formulation being present on the tissue substrate in an amount of from about 1% (by weight of the dry tissue) to about 30% (by weight of the dry tissue) and comprising from about 10% (by total weight of the formulation) to about 89% (by total weight of the formulation) of an emollient, from about 10% (by total weight of the formulation) to about 50% (by total weight of the formulation) of a structurant, and from about 0.1% (by total weight of the formulation) to about 40% (by total weight of the formulation) of a rheology enhancer, wherein the lubricating formulation has a melt point viscosity of from about 5000 cPs to about 1,000,000 cPs and a process temperature viscosity of from about 50 cPs to about 50,000 cPs, wherein the rheology enhancer is selected from the group consisting of ethylene/propylene/styrene copolymers

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alone or in combination with mineral oil or petrolatum;  
butylene/ethylene/styrene copolymers alone or in combination  
with mineral oil or petrolatum; ~~ethylene/vinyl acetate~~  
~~copolymers alone or in combination with polyethylene~~; mineral  
oil and styrene; and combinations thereof.

58. (current amended) The method ~~tissue product~~ as set  
forth in claim 57 wherein the emollient is present in an amount  
of from about 30% (by total weight of the formulation) to about  
80% (by total weight of the formulation).

59. (currently amended) The method ~~tissue product~~ as set  
forth in claim 57 wherein the emollient is present in an amount  
of from about 60% (by total weight of the formulation) to about  
80% (by total weight of the formulation).

60. (currently amended) The method ~~tissue product~~ as set  
forth in claim 57 wherein the structurant is present in an  
amount of from about 20% (by total weight of the formulation) to  
about 40% (by total weight of the formulation).

61. (currently amended) The method ~~tissue product~~ as set  
forth in claim 57 wherein the rheology enhancer is present in an  
amount of from about 0.5% (by total weight of the formulation)  
to about 30% (by total weight of the formulation).

62. (currently amended) The method ~~tissue product~~ as set  
forth in claim 57 wherein the rheology enhancer is present in an

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amount of from about 1% (by total weight of the formulation) to about 25% (by total weight of the formulation).

63. (original) The method as set forth in claim 57 wherein the lubricating formulation is introduced onto the tissue substrate by a method selected from the group consisting of spraying, ink jet printing, slot coating, gravure coating, flexi-graphic coating, melt blown coating, and combinations thereof.

64. (cancelled)

65. (previously presented) The tissue product as set forth in claim 1 wherein the rheology enhancer is selected from the group consisting of mineral oil and ethylene/propylene/styrene copolymers; mineral oil and butylene/ethylene/styrene copolymers; mineral oil and styrene; and combinations thereof.

66. (cancelled)

67. (previously presented) The tissue product as set forth in claim 30 wherein the rheology enhancer is selected from the group consisting of mineral oil and ethylene/propylene/styrene copolymers; mineral oil and butylene/ethylene/styrene copolymers; mineral oil and styrene; and combinations thereof.

68. (cancelled)

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69. (previously presented) The method as set forth in claim 57 wherein the rheology enhancer is selected from the group consisting of mineral oil and ethylene/propylene/styrene copolymers; mineral oil and butylene/ethylene/styrene copolymers; mineral oil and styrene; and combinations thereof.

70. (canceled).

71. (canceled)



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REMARKS

Claims 1-21, 23-47, 49-63, 65, 67 and 69 are currently pending. Claims 1, 30, and 57 have been amended to more particularly claim the invention. Furthermore, 58-62 have been amended to provide proper antecedent basis. No new matter has been added by these amendments. Applicants request allowance of all pending claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,

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